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February 19, 2014

**VIA ECF AND ELECTRONIC MAIL TO  
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Honorable Stuart M. Bernstein  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green, Room 723  
New York, New York 10004-1408

*Re: Securities Investor Protection Corporation v. Bernard L. Madoff Investment  
Securities LLC, 08-01789 (SMB) (Substantively Consolidated)*

Dear Judge Bernstein:

We are counsel to Irving H. Picard, trustee (the “Trustee”) for the substantively consolidated liquidation proceedings of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and Bernard L. Madoff under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. (“SIPA”). We write to seek clarification regarding the Court’s Order Requiring Duplicate Filings dated February 18, 2014 (ECF No. 5659) (the “Duplicate Filings Order”).

Pursuant to the Duplicate Filings Order, parties are required to electronically docket any document filed in any of the BLMIS adversary proceedings (the “Adversary Proceedings”) in both in the appropriate Adversary Proceeding and in the BLMIS main case, 08-1789 (the “Main Case”). However, under the Order Establishing Notice Procedures and Limiting Notice dated December 5, 2011 (ECF No. 4560) (the “Limited Notice Procedures Order”), parties are required to serve all filings in the Main Case on all parties to the “Master Service List” (as defined in the Limited Notice Procedures Order). In addition, the Limited Notice Procedures Order also requires parties to file an affidavit of service or certification of service annexing the list of parties that received notice and the manner in which notice was served.

Upon review of the Duplicate Filings Order, it is the Trustee’s understanding that the duplicate electronic filing of all documents filed in any Adversary Proceeding in the Main Case will serve as sufficient notice to the parties in the Main Case and parties shall not be required to serve such documents on the Master Service List. Rather, parties will

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Hon. Stuart M. Bernstein  
February 19, 2014  
Page 2

only be required to serve documents filed in Adversary Proceedings in accordance with the Limited Notice Procedures Order (*i.e.*, by email to all counsel of record in the Adversary Proceeding and on any defendant proceeding *pro se*) and parties in the Main Case shall be deemed to have received notice of and been served with such filing through the Court's Electronic Filing ("ECF") notification system.

To the extent that the Trustee's understanding of the parties' notice and service obligations under the Duplicate Filings Order is incorrect or requires further clarification, the Trustee respectfully requests that the Court amend or supplement the Duplicate Filings Order at the earliest possible convenience.

The Trustee is available to respond to any questions regarding the foregoing and to participate in a conference with defense counsel if the Court deems it to be appropriate.

Respectfully submitted,

/s/ David J. Sheehan

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cc (via email):

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Hon. Stuart M. Bernstein  
February 19, 2014  
Page 3

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